UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
HANG, VU B

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/966,619	MCINTYRE, C. KEVIN
	Examiner	Art Unit
	Vu B. Hang	2622

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.
2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) _____ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-20* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>09/25/2001</u>

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4, 5, 7, 12, 13, 14,15, 17, 18 and 19 are rejected under 35 U.S.C. 102(b)

as being anticipated by Hibino (US Patent 5,694,618).

Regarding **Claim 4,** Hibino discloses a printing apparatus consisting of a printer

control program (see Col.1, Line 18-24) for creating (see Col.2, Line 12-25) and saving

(see Col.3, Line 21-35) print control settings. The printing apparatus has the capability

to retrieve (see Col.4, Line 25-33), select (see Col.2, Line 17-22), display (see Col.4,

Line 25-33), update (see Col.6, Line 5-8) and save (see Col.3, Line 24-34) available or

desired control settings. Hibino also discloses selecting a printer associated with the

printer control program (see Col.7, Line 21-22).

Regarding **Claim 5,** Hibino discloses the use of a computer to execute the printer

control program (see Col.1, Line 42-46).

Regarding **Claim 7,** Hibino discloses retrieving available control settings from at

east one printer (see Col.4, Line 22 –33).

Regarding **Claim 9,** Hibino discloses displaying retrieved control settings in

graphical user interface format (see Fig.1 and Col.2, Line 1-11).

Regarding **Claim 12,** Hibino discloses a printing apparatus consisting a printer

conformed to the stored control settings stored in a printer (see Fig.1 (1) and Col.2, Line

10-11) and a printer control program for retrieving control settings from a printer (see Col.4, Line 25-33), saving the control settings (see Col.3, Line 24-30), downloading the control settings (see Col.3 Line 65 – Col.4, Line 8) and updating the control settings (see Col.6, Line 5-15).

Regarding **Claim 13**, Hibino discloses a printer control program that is resident in the memory of a printer (see Col.3, Line 24-29).

Regarding **Claim 14**, Hibino discloses a storage media for receiving control settings from the printer control program (see Col.3, Line 24-34).

Regarding **Claim 15**, Hibino discloses a storage media for providing a printer control program with control settings to download from (see Col.3, Line 34-34).

Regarding **Claim 17**, Hibino discloses the use of a computer to execute the printer control program (see Fig.1 and Col.1, Line 12-14).

Regarding **Claim 18**, Hibino discloses a printing apparatus consisting of a central processing unit for executing the printer control program (see Fig.2 (7)), a storage media for storing a printer control program (see Fig.2 (10)), a display device for displaying the control settings retrieved (see Fig.2 (4)), an input device for selecting desired control settings from a printer (see Fig.2 (5)) and a communication link for communicating with a printer (see Fig.2 (2)).

Regarding **Claim 19**, Hibino discloses a function for manipulating the control settings of a printer (see Col.2, Line 17-22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimber et

al. (US Patent 5,371,837) in view of Bryant et al. (US Patent 4,846,597).

Regarding **Claim 1,** Kimber discloses a printing apparatus that consists of using

a printer control program for determining selected control settings for a printer (see

Col.3, Line 50-Col.4, Line 3), saving the selected control settings to a media storage

device (see Fig.3 and Col.4, Line 32-37) and restoring control settings (see Col.5, Line

48-55). Kimber, however, fails to expressly disclose the use of a printer control panel to

select the control settings.

Bryant discloses using a control panel of a printer to select the control settings of

the printer (see Col.2, Line 42-54).

Kimber and Bryant are combinable because they are from the same field of

endeavor, namely printing apparatus. At the time of the invention, it would have been

obvious for one skilled in the art to incorporate Bryant's use of the control panel to the

method described in Claim 1. The motivation for doing would be to allow a workstation

user within a network to have more flexibility in terms of configuring one or more printers

available in the network. This would allow the user to avoid using a host or controlling

computer to configure one or more printers, and thus save time in situations where the user is away from the host computer.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimber et al. (US Patent 5,371,837) in view of Bryant et al. (US Patent 4,846,597), and in further view of Chiles et al. (US Patent 6,167,567).

Regarding **Claim 2**, Kimber and Bryant discloses the method as described in Claim 1 above. Kimber further discloses using a printer control program to restore the selected control settings for a printer (see Col.3, Line 51-54 and Col.5, Line 48-55). Kimber and Bryant, however, fail to expressly disclose a method to update a printer firmware consisting of downloading saved selected control settings from a media storage device and updating the printer with the selected control settings.

Chiles discloses a method to update a printer firmware (see Col.5, Line 1). The method also consists of downloading saved selected control settings from a media storage device and updating the printer with the control settings (see Fig.2 (230), Col.3, Line 35-46 and Col.4, Line 32-42).

Kimber, Bryant and Chiles are combinable because they are from the same field of endeavor, namely printing apparatus. At the time of the invention, it would have been obvious for one skilled in the art to use a printer control program to update a firmware, download, restore and update saved control settings to a printer. The motivation for doing so would be to eliminate manual printer configuration by a workstation user or a network administrator. The automation of printer configurations would be less time consuming.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimber et al. (US Patent 5,371,837) in view of Bryant et al. (US Patent 4,846,597), and in further view of Ueda (US Patent 5,742,742).

Regarding **Claim 3**, Kimber and Bryant discloses the method as described in Claim 1 above. Kimber further discloses that a printer can be selected within a network (see Col.1, Line 42-49) and a means to update a printer with selected saved control settings (see Col.3, Line 60-Col.4, Line 7). Kimber and Bryant, however, fail to expressly disclose a printing apparatus that consists of a control panel and a means to transfer control settings to a printer.

Ueda discloses a printing apparatus that consists of a control panel (see Col.5, Line 30-34) and a means to transfer control settings to a printer (see Col.2, Line 9-15).

Kimber, Bryant and Ueda are combinable because they are from the same field of endeavor, namely printing apparatus. At the time of the invention, it would have been obvious for skilled in the art to use a control panel to select a printer in a network to transfer and update saved control settings to. The motivation for doing so would be to create a less time consuming method for configuring printers in a network. Manual printer configurations can be avoided.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hibino (US Patent 5,694,618) in view of Kulakowski et al. (US Patent 6,229,621).

Regarding **Claim 6**, Hibino discloses the method as described in Claim 4 above but fails to expressly disclose a means for selecting a group of printers. Kulakowski,

however, discloses a means for selecting multiple printers in a network environment
(see Col.2, Line 63- Col.3, Line 3).

Hibino and Kulakowski are combinable because they are from the same field of
endeavor, namely printing apparatus. At the time of the invention, it would have been
obvious for one skilled in the art to add the capability of selecting multiple printers in a
network environment for printer configurations. The motivation for doing so would be to
allow a workstation user or a network administrator to configure multiple printers with
the same desired control settings simultaneously. This would reduce time in configuring
the printers as oppose to configuring each one individually.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hibino
(US Patent 5,694,618) in view of Kimber et al. (US Patent 5,371,837).

Regarding **Claim 8**, Hibino discloses the method as described in Claim 4 above
but fails to expressly disclose a means of retrieving available control settings from a
database storage. Kimber, however, discloses print control setting retrieval from a
database storage (see Col.4, Line 7-19).

Hibino and Kimber are combinable because they are from the same field of
endeavor, namely printing apparatus. At the time of the invention, it would have been
obvious for one skilled in the art to create a method to retrieve available control settings
from database storage. The motivation for doing so would be allow multiple printers
within a network easy access to the control settings. At times, the storage for the
settings can be too large for the media storage in each individual printer in the network

to hold. Thus, this method would improve both the retrieval procedure and the control settings storage in a network environment.

Claims 9, 10, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hibino (US Patent 5,694,618) in view of Chiles et al. (US Patent 6,167,567).

Regarding **Claim 9,** Hibino discloses the method as described in Claim 4 above but fails to expressly disclose a means to update the control settings in a predefined schedule. Chiles, however, discloses a method to update the control settings in a predefined schedule (see Col.4, Line 32-42).

Hibino and Chiles are combinable because they are from the same field of endeavor, namely printing apparatus. At the time of the invention, it would have been obvious for one skilled in the art to have a printer control program to perform control settings update on a predefined schedule. The motivation for doing so would be to allow one or more printers that have had their control settings changed by workstation users be reset or updated with the stored settings. The settings used by previous workstation users may not suit most of the users in the network environment. Thus, it is necessary to have control settings update on a predefined schedule.

Regarding **Claims 10, 16 and 20,** Hibino discloses the method and systems as described in Claims 4, 12 and 17 above but fails to expressly disclose a means to automatically update the control settings following a firmware upgrade. Chiles, however, discloses a means to automatically update the control settings following a firmware upgrade (see Col.1, Line 7-11 and Col.3, Line 1-5).

Hibino and Chiles are combinable since they are from the same field of endeavor, namely printing apparatus. At the time of the invention, it would have been obvious for one skilled in the art to create a method to automatically update the printer control settings following a firmware upgrade. The motivation for doing so is to ensure the predefined or new control settings are restored to the printer following a firmware upgrade since the control setting will be lost during the upgrade process. This would also eliminate the need for manual configurations following a firmware upgrade.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vu B. Hang whose telephone number is (571) 272-0582. The examiner can normally be reached on Monday-Friday, 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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